

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
THE MARCUS CORPORATION,  
on behalf of itself and all similarly situated  
persons,

Plaintiffs,

-against-

AMERICAN EXPRESS COMPANY and  
AMERICAN EXPRESS TRAVEL RELATED  
SERVICES COMPANY, INC.,

Defendants.  
-----X

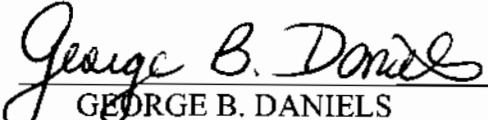
GEORGE B. DANIELS, District Judge:

Plaintiffs' motion for class certification is denied without prejudice to renew, upon  
resolution of the pending summary judgment motion.

If summary judgment is denied, the parties may supplement their submissions with  
regard to the impact, if any, the recent Second Circuit Court of Appeals' ruling, in In re  
American Express Merchants' Litigation, 554 F.3d 300 (2d Cir. 2009), has on the issue of class  
certification.

Dated: New York, New York  
March 30, 2009

SO ORDERED:

  
GEORGE B. DANIELS  
United States District Judge

ORDER  
04 CV 5432 (GBD)

